

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

SCHAEFER SYSTEMS INTERNATIONAL,
INC.,

Plaintiff,

v.

ALOFT MEDIA, LLC

Defendant.

C.A. No. 3:22-cv-513

JURY TRIAL DEMANDED

DEFENDANT'S MOTION TO SEAL

Defendant Aloft Media, LLC, by and through counsel, respectfully moves the Court for an order requiring the following exhibits and declarations to Defendant's Opening Brief in Support of its Motion to Dismiss and the Opening Brief itself to be filed under seal, in accordance with Rule 5.2(d) of the Federal Rules of Civil Procedure, Rule 408 of the Federal Rules of Evidence, and Rules 6.1(c) and 7.1 of the Local Rules Governing Civil Cases for the United States District Court for the Western District of North Carolina:

Defendant Exhibit 3: Emails between Aloft and SSI Schaefer regarding settlement discussions

Defendant Exhibit 4: Emails between Aloft and SSI Schaefer regarding settlement discussions

Defendant Exhibit 5: Emails between Aloft and SSI Schaefer regarding settlement discussions

Defendant Exhibit 6: Emails between Aloft and SSI Schaefer regarding settlement discussions

Defendant's Declaration: Declaration of Britten Sessions in Support of Defendant's Motion to Dismiss

Defendant's Declaration: Declaration of Todd Schmidt in Support of Defendant's Motion to Dismiss

Defendant's Declaration: Declaration of Andrew Gordon in Support of Defendant's Motion to Dismiss

Defendant's Brief: Defendant's Opening Brief in Support of Motion to Dismiss

In support of this Motion, Defendant shows unto this Court the following:

1. This Motion is being filed pursuant to an Opening Brief in Support of Motion to Dismiss, wherein information designated as confidential by the Defendant and would be sealed or redacted.
2. The exhibits, declarations, and brief listed *supra*, which ***will be*** appended in support of the Defendant's Opening Brief in Support of Motion to Dismiss, are materials from Defendant that have been designated as 'confidential' and are subject to Fed. R. Evid. 408.
3. The purpose of exchange of documents would be frustrated if a party is free to file in the public court any document previously designated as 'confidential' merely because the filing party believes the document supports their motion.
4. A public filing would allow public access to materials that are protected as confidential and subject to Fed. R. Evid. 408. There is no alternative to filing these exhibits under seal because filing is necessary.
5. Defendant will promptly file redacted copies to be available to the public.

WHEREFORE, Defendant respectfully requests that the Court enter an order allowing it to file under seal the above-referenced exhibits to Defendant's Opening Brief in Support of Motion to Dismiss.

This the 2nd day of December, 2022.

s/ Derek Dahlgren

Derek Dahlgren (*pro hac vice*)

Devlin Law Firm LLC

1526 Gilpin Avenue

Wilmington, DE 19806

410-375-7230

Email: ddahlgren@devlinlawfirm.com

J. Douglas Grimes

Allen, Chesson & Grimes

505 N. Church Street

Charlotte, NC 28202

704-755-6012

Email: dgrimes@allenchesson.com

Attorneys for Defendant

Aloft Media, LLC

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ *Derek Dahlgren*

Derek Dahlgren